

any such persons whose names are so drawn and embraced in said *venire facias* should be dead, sick or otherwise unable to attend, or should be absent and therefore not be found, it shall be the duty of said sheriff forthwith to return the fact of such death, disability or absence, and the said judges shall thereupon cause to be drawn from said box in the manner hereinbefore directed other names in the place and stead of the original who may be dead, disabled or absent, and shall cause the name or names of such person or persons so as last aforesaid drawn to be inserted in said *venire facias* to be summoned as aforesaid, and it shall be the duty of the sheriff to summon the person named in said *venire facias* and make return thereof to the said court at the opening of its session. This section shall not apply to Prince George's county, nor to Dorchester, Wicomico, Anne Arundel, St. Mary's, Caroline, Somerset, Worcester, Garrett, Allegany, Queen Anne's, Talbot or other counties, as to which special provision is made by the local law thereof.

*Mills v. State*, 76 Md. 280. *State v. Vincent*, 91 Md. 724.

1888, art. 51, sec. 9. 1867, ch. 329, sec. 4.

9. Immediately after each drawing for jurors as directed in the preceding section and for talesmen as hereinafter directed and without suffering the said ballots remaining in said box to be taken out or in any manner removed therefrom or inspected or examined, or the said box to be looked into or removed from his presence by any person whatever, the said judge of the said respective courts shall close said box and either lock or seal the same securely and keeping the key or seal thereof himself shall deposit the said box containing the remaining ballots with the clerk of the said court to be by him safely kept free from any handling or interference by any person whatever, unless it be in the presence of the said judge and by his direction and then only in the manner herein directed; and if for the trial of any cause or causes, whether civil or criminal, in the said circuit court, a talesman or talesmen be required, the judge of the said court may order the sheriff to summon such talesman or talesmen either from a list of names that shall be drawn from the said box containing the said ballots in the mode and manner as directed by the preceding section and furnished to the said sheriff or from the community at large, as heretofore practised.

*Munshower v. State*, 56 Md, 516.